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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/487,726      | 01/19/2000  | Toru Sumino          | Q57604              | 3499             |

7590 10/14/2004

Sughrue Mion Zinn Macpeak & Seas PLLC  
2100 Pennsylvania Avenue N W  
Washington, DC 20037-3213

EXAMINER

ABRISHAMKAR, KAVEH

| ART UNIT | PAPER NUMBER |
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2131

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/487,726

Applicant(s)

SUMINO, TORU

Examiner

Kaveh Abrishamkar

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1,3,7-10.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

**Advisory Action**

This Office action is in response to the after-final amendment filed on August 26, 2004. Claims 1 – 10 were originally received for consideration. The amendment, filed on March 18, 2004, cancelled claims 2, 4 and 6 leaving claims 1, 3, 5, and 7 – 10 as pending in the application. Applicant's request for consideration has been fully considered but they are not persuasive because of the following reasons:

1. The applicant in regards to pending claims 1,3,5, and 7 – 10 argues that the cited prior art (CPA) of Moussa et al. (U.S. 6,035,406), Dunn et al. (U.S. Patent 5,987,155) and Teicher et al. (U.S. Patent 6,257,486) are combined without proper motivation. This argument is not found persuasive. The teachings of cited prior arts are directed to systems or methods for user authentication, using a password, biometric inputs, and/or a smart card, therefore, the cited prior arts are analogous. Furthermore, the motivation for combining the Teicher reference with Moussa and Dunn is maintained as stated in the previous Office action because Teicher teaches a smart card system in which a personal identification number (PIN) is authenticated directly by the smart card itself, and not propagated outside of the smart card (column 14 lines 15 – 39). The authentication is done by an authentication unit (Figure 11 item 1110), which, according to Teicher, can be incorporated into the smart card processor. Teicher states that authenticating the PIN directly on the smart card itself ***makes it impossible for another device in the system to covertly obtain the PIN.*** Thus Teicher can be

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logically combined with the previous prior art rejection of Moussa and Dunn to achieve an individual authentication system which can authenticate a user by means of biological input, a password, and by an identification number which is collated directly on the smart card. Therefore, the combination of the Teicher reference increases the security of the authentication system by allowing the authentication of the PIN directly on the smart card, and therefore precluding any other device in the system to covertly obtain the PIN.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 703-305-8892. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA  
10/01/2004

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100